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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,828	10/21/2005	Graeme Holland	FBRIC50.001APC	2410
20995	7590	04/18/2008	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP			BRADEN, SHAWN M	
2040 MAIN STREET				
FOURTEENTH FLOOR			ART UNIT	PAPER NUMBER
IRVINE, CA 92614			3781	
			NOTIFICATION DATE	DELIVERY MODE
			04/18/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com  
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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/521,828	HOLLAND, GRAEME	
	<b>Examiner</b>	<b>Art Unit</b>	
	SHAWN M. BRADEN	3781	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____ .                                     |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/22/2005, 01/18/2005</u> .                                  | 6) <input type="checkbox"/> Other: ____ .                         |

## DETAILED ACTION

### ***Specification***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the **range of 50 to 150 words**. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### ***Claim Objections***

2. Claim 1 is objected to because of the following informalities: in line 10 "means so" examiner believes that the "so" belongs on the next line "compartment \_\_ that ". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Wellington (USPN 3,446,386).

5. With respect to claim 1, Wellington shows a first compartment (74) adapted to receive a first form of waste, and at least a second compartment (84) adapted to receive a second form of waste, the first compartment (74) including a main body having a floor, side walls (76,78), and a rim (top of 76,78) which defines an opening of the main body, the second compartment (84) including a main body having a floor, side walls, a rim (clearly shown fig. 4) which defines an opening of the main body, and rim engaging means (88) for supporting the second compartment (84) against a portion of the rim of the first compartment (74) so that the bin assumes an operable condition where the first and second forms of waste are receivable through the openings of respective first and second compartments, the rim engaging means so supporting the second compartment (84) against a portion of the rim of the first compartment (74) that at least a part of the main body of the second compartment (84) descends into the opening of the main body of the first compartment (fig. 4), and wherein the portion of the rim of the first compartment (74) that engages the rim engaging means of the second compartment (84) is elevated (see fig. 4) from a remaining portion of the rim to provide at least one opening to the first compartment (74) for receiving paper therethrough (fig. 4).

6. With respect claim 2, Wellington shows the rim engaging means (88) defines a portion of the opening of the main body of the second compartment (fig. 4).

7. With respect claim 3, Wellington shows the elevated portion of the rim of the first compartment (74) is so disposed with respect to the remaining portion of the rim that there are two openings (front of 84 and back of 84 when slid forward) to the first compartment (74) on opposed sides of the second compartment.

8. With respect claim 4, Wellington shows the or each opening to the first compartment (74) is defined by walls having an angulation that allows paper to be received from the side of the or each opening (fig. 4).
9. With respect claim 5, Wellington shows there is a passageway defined between the main body of the first compartment (74) and a first side wall of the main body of the second compartment (84) through which the paper received through one of the two openings is guided to fall before settling flat upon a floor of the first compartment (74) or upon other flatly laid paper (fig. 4).
10. With respect claim 6, Wellington shows the portion of the rim of the first compartment (74) that engages the rim engaging means (88) of the second compartment (84) comprises two elevated rim (82) portions of opposed side walls.
11. With respect claim 7, Wellington shows each of the two elevated rim portions (82) have respective locating recesses (recess of the angle iron meets this recitation) formed continuously therealong.
12. With respect claim 8, Wellington shows the rim engaging means (88) of the second compartment (84) comprise outwardly projecting flange (angle iron (88) also meets the recitation of flange) portions of opposed side walls, and each of the flange portions are engaged against the respective locating recesses of the elevated rim portions.
13. With respect claim 9, Wellington shows the secondary compartment includes opposed beveled corner walls (90 degrees) that facilitate the guided fall of the paper (fig. 4).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHAWN M. BRADEN whose telephone number is (571)272-8026. The examiner can normally be reached on Mon-Friday 9-6:30 est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571)272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. M. B./  
Examiner, Art Unit 3781

/Anthony D Stashick/  
Anthony Stashick  
Supervisory Patent Examiner, Art Unit  
3781